

26 May 1981

MEMORANDUM FOR: Chief, Records Management Division

STAT FROM:

Chief, Classification Review Division

SUBJECT: Revised Draft of E.O. 12065

REFERENCE: OGC 81-04004, dated 14 May 1981

1. We have reviewed the most recent draft of proposed changes to E.O. 12065 (Reference) and offer the following revisions for your consideration.

2. With regard to the proposed revision of paragraph 1-101 (page 3 of Reference), we note in the discussion that the provision "should be amended to provide that such information is to be classified at the higher level or is to remain classified until a determination is made as to the appropriate level of or the need for classification," but the suggested revision fails to state this desire clearly. We suggest the following wording:

Suggestion Revision: 1-101. Information or material that requires protection against unauthorized disclosure in the interest of national security shall be classified in one of the three categories listed below. If there is doubt as to the classification level at which such information or material should be protected, it should be given the higher level of classification until a final determination is made as to the need for and the level of the required protection. No other categories of classification shall be used to identify information or material as requiring protection in the interest of national security, except as otherwise provided by statute. Nothing in this order shall be construed as limiting the protection afforded national security information by other provisions of law.

3. We believe also that the proposed revision of paragraph 1-302 (Page 12 of Reference) could be more clearly stated and suggest the following:

Suggested Revision: 1-302. Information which is determined to concern one or more of the criteria in section 1-301 may be classified only when an original classification authority also determines that its unauthorized disclosure reasonably could be expected to cause damage to the national security. In considering whether the disclosure of information could be expected to cause damage to the national security, it should be considered that separate items of classified information may, in combination, warrant a higher level of classification. Further, separate items of unclassified information may be classified if unauthorized disclosure of the information, in conjunction with one or more actual or potential disclosures, reasonably could be expected to cause such damage.



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